

MERIT SYSTEM RULES

EFFECTIVE APRIL 20, 1961

WASHINGTON STATE DEPARTMENT OF PERSONNEL
212 GENERAL ADMINISTRATION BLDG., OLYMPIA

(ADOPTED AS EMERGENCY RULES PURSUANT TO
INITIATIVE 207 & RCW 34.04.020 EFFECTIVE
MARCH 21, 1961)

F O R E W O R D

These Personnel Rules of the State of Washington Merit System represent one more step on a long journey. For at least forty years, hundreds of Washington citizens have worked hard to reach the goal of a system of state service based on organizational efficiency and individual merit and fitness.

In 1921, the Legislature enacted an administrative code which provided for, among other things, a Director of Efficiency who would be responsible for the classification of positions, the setting of basic rates of pay, establishing educational and other requirements of job classes, procedures for promotion and for computing service credit, and other duties incorporated to-day into the merit system. Eventually these responsibilities and duties were filled by the Director of the Central Personnel Agency, who reported to the Committee on Standards. This Central Personnel Agency concerned itself principally with position classification and personnel recruiting and placement in several of the larger departments outside of the jurisdiction of the Personnel Board and the merit system.

The actual merit system got its start in 1937. The Director of the Department of Social Security was required by statute to establish a merit system. A Board of Sponsors, fore-runner to today's Personnel Board, was created to administer this merit system. The statute itself was based on the Federal Social Security Act which contained merit system provision, but was not mandatory upon states.

When the Congress made merit systems mandatory for grant-in-aid agencies in 1939, a more detailed statute was enacted, requiring a non-partisan merit system for the Social Security Department, this system to be headed by a three-member Merit System Council. An Advisory Committee for Personnel was to administer a merit system separate from that of the Social Security Department.

In 1941, the Employment Compensation Act created the immediate predecessor of today's Personnel Board. By executive order, the functions of the Merit System Council and the Advisory Committee on Personnel were assigned to the Personnel Board. At this time, three departments were covered: Health, Social Security, and Unemployment Compensation.

Between 1941 and 1960, at least nine bills were introduced into the Legislature for the purpose of creating a state-wide merit system for state employees. Some of the most notable bills were drawn by the Committee on State Government Organizations, by the Legislative Council, and by Senators Sears, Barlow and Rosellini. No state-wide merit system bill passed both houses of the Legislature.

Seven initiatives, either to the people or to the Legislature, were filed with the Secretary of State. Until 1960, none of these initiatives achieved the status of law, although one had reached the voters in 1936.

On November 8, 1960, the voters adopted Initiative 207, the new State Civil Service Law, which was based principally upon the three legislative bills cited above. The new Law became effective 30 days later, consolidating several personnel systems into the Department of Personnel. The most far-reaching consolidation was that of combining the offices, staffs, records and other appurtenances of the Central Personnel Agency with those of the pre-existing Personnel Board. On December 6, 1960, prior Merit System Rules were amended to comply with Initiative 207, and on December 21, the new Personnel Board adopted the Rules on an emergency basis. The Administrative Procedures Act of 1959, sets a 90-day limit on emergency rules; therefore, the Rules being

considered at this time were designed to replace those emergency Rules with a more effective and efficient implementation of the Civil Service Law. Without doubt, several more amendments, both major and minor, will have to be added in the future as these Rules become implemented by the working procedures of the staff, appeals to and rulings of the Personnel Board, and experiences of the citizens of the State of Washington.

Inasmuch as these rules will not become effective for thirty days from this date and inasmuch as the existing emergency Rules under which this agency operates expire on this date; it is the finding of the Washington State Personnel Board that these Rules should be adopted as Emergency Rules to be effective until April 20, 1961, in order to preserve the general welfare.

This set of Rules, although required by law, are dedicated to those hundreds of persons who gave unsparingly of their time and energy in the legal and procedural evolution toward state employment on the basis of merit and fitness and toward the modern concept of equal pay for equal work.

PREAMBLE STATEMENT OF POLICY

The general purpose of this Rule is to establish for the state a system of personnel administration based on merit principles and scientific methods of governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and the retention therein, in the state service, shall be made on the basis of policies hereinafter specified.

Article II - APPLICABILITY

Section 1. Branches, Departments or Agencies Exempt from the Provisions of these Rules

A. The members of the Legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the Legislative Council, Legislative Budget Committee, Statute Law Committee, and any interim committee of the Legislature;

B. The judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

C. State Highway Department;

D. Institutions of higher learning;

E. The employees of the State Printing Office.

Section 2. Positions Exempt from the Provisions of these Rules

A. The officers of the Washington State Patrol;

B. The elective officers of the state;

C. The chief executive officer of each agency;

D. In the Departments of Employment Security, Health, Fisheries, Institutions, Public Assistance, the director and his confidential secretary;

E. In all departments except those mentioned in D above the executive head of which is appointed by the Governor, the director, his confidential secretary, and his statutory assistant directors;

F. In the case of a multimembered board, commission or committee, whether the members thereof are elected, appointed by the Governor or other authority, serve ex officio, or otherwise chosen:

1. All members of such boards, commissions or committees;
2. If the members of the board, commission or committee serve on a part time basis and there is a statutory executive officer:
 - a. The secretary of the board, commission or committee;
 - b. The chief executive officer of the board, commission or committee;
 - c. The confidential secretary of the chief executive officer of the board, commission or committee;

3. If the members of the board, commission or committee serve on a full time basis:
 - a. The chief executive officer or administrative officer as designated by the board, commission or committee;
 - b. The confidential secretary to the chairman of the board, commission or committee;
4. If all members of the board, commission or committee serve ex officio:
 - a. The chief executive officer;
 - b. The confidential secretary of such chief executive officer;
- G. The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- H. Assistant Attorneys General;
- I. Commissioned and enlisted personnel in the military service of the state;
- J. Inmate, student, part time or temporary employees, and part time professional consultants as defined by the State Personnel Board to include:
 1. State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency;
 2. Part time local health officers;
 3. Persons employed on a part time, intermittent or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties, provided that such persons meet the standards of training and experience established by the agency;
 4. Part time or temporary employees who are enrolled as full time day students in recognized educational institutions and whose employment is largely to provide training opportunity. Compensation for such employees shall be no more than is consistent with the established pay rate for the class of work;
 5. Patient and inmate help in the covered institutions;
 6. Skilled and unskilled labor employed temporarily on force-account construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the Director to be equivalent.

K. All officers and employees in those commissions made exempt by legislative action, Chapter 169, Laws of 1961 (Senate Bill 213); effective June 20, 1961. Namely,

1. Washington State Fruit Commission
2. Washington State Apple Commission
3. Washington State Dairy Products Commission
4. Washington State Wheat Commission
5. Commissions formed under the provisions of Chapter 191, Laws of 1955, RCW 15.66
6. Agricultural commissions formed under the provisions of laws of 1961 (Substitute House Bill No. 389).

Section 3. Services Available upon Request

A. These rules may be made applicable to all local agencies who, in order to qualify for federal grants-in-aid or matching funds, request the services of the State Department of Personnel. Such services as are extended hereunder shall be on a reimbursable basis.

B. The services of the State Department of Personnel may be made available upon request, on a reimbursable basis, to:

1. Either the legislative or judicial branch of state government;
2. Any county, city, town, or other municipal subdivisions of state;
3. The institutions of higher learning;
4. The Department of Highways.

Article XXIII POLITICS AND RELIGION

Section 1. Limitation of Political Activity

A. Solicitation for or payment to any partisan political organization, or for any partisan political purpose, of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan, political purposes.

B. Employees shall have the right to vote and to express their opinions on all political subjects and candidates, but shall not hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for non-partisan offices.

C. Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political sub-division of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment.

D. The rules and regulations of the United States Civil Service Commission which pertain to political activities shall apply to any person engaged in the administration of Federal grant-in-aid programs.

Section 2. Prohibition of Discrimination

No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any person in the employ of the agency or the board against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations, or his race.

Section 3. Recommendations not Considered

No recommendation of any applicant, eligible, or employee involving a disclosure of his political or religious opinions or affiliations shall be considered or filed by the agencies, the board, or any office or employee concerned in making appointments or promotions.